



Bail and Release from Custody (Scotland) Act 2023

2023 asp 4

PART 2

RELEASE FROM CUSTODY

10 Review of recommendations and directions by Parole Board

- (1) The 1993 Act is amended as follows.
- (2) In section 17 (revocation of licence), after subsection (2) insert—
 - “(2A) Subsection (2B) applies where the Scottish Ministers, having released a long-term prisoner on licence under section 3AB(3), revoke the licence and recall the prisoner to prison under subsection (1) or revoke the licence under subsection (1A).
 - (2B) The Parole Board may, whether when considering the prisoner’s case on a referral under subsection (3) or otherwise, review its recommendation that the prisoner be released on licence on having served one half of the prisoner’s sentence.”.
- (3) In section 17A (recall of prisoners released under section 3AA or 3AB(1))—
 - (a) after subsection (2A) insert—
 - “(2B) Subsection (2C) applies where—
 - (a) the Scottish Ministers release a long-term prisoner on licence under section 3AB(1),
 - (b) the Parole Board subsequently recommends that the prisoner be released on licence on having served one half of the prisoner’s sentence, and
 - (c) the Scottish Ministers revoke the licence under section 3AB(1) and recall the prisoner to prison under subsection (1).
 - (2C) The Parole Board may, whether or not the case is referred to it under subsection (3), review its recommendation that the prisoner

Status: This is the original version (as it was originally enacted).

be released on licence on having served one half of the prisoner's sentence.”,

- (b) in subsection (3), for “such representations” substitute “representations under subsection (2)”.

- (4) After section 17A insert—

“17B Review by Parole Board of decision to recommend or direct release on licence

- (1) This section applies where—
- (a) the Parole Board recommends or directs that a prisoner be released on licence under this Part, and
 - (b) the prisoner has not yet been released on licence as a result of the Board's recommendation or, as the case may be, direction.
- (2) The Parole Board may, if subsection (3) applies, review its recommendation or, as the case may be, direction that the prisoner be released on licence.
- (3) This subsection applies if information comes to the Parole Board's attention—
- (a) that was not available to the Board when it made its recommendation or, as the case may be, direction, and
 - (b) which, in the opinion of the Board, has a significant bearing on the prisoner's suitability for release on licence.”.